

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 11, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK STEVEN WHITE,

Defendant.

No. 4:22-cr-06033-MKD

ORDER DENYING DEFENDANT'S
MOTION TO DISMISS, DENYING
DEFENDANT'S MOTION TO
SUPPRESS, DENYING
DEFENDANT'S MOTION TO
RECONSIDER ORDER DENYING
SEVERANCE AND GRANTING IN
PART, DENYING IN PART, AND
RESERVING RULING IN PART ON
DEFENDANT'S THIRD MOTION IN
LIMINE

ECF Nos. 114, 139, 140, 141,

On October 4, 2023, the Court conducted an evidentiary hearing on Defendant's Motions to Suppress and Dismiss, ECF Nos. 139, 140. AUSAs Rebecca Perez and Caitlin Baunsgard represented the United States. Rick Smith and Christine Bennett represented Defendant Mark White, who was present in custody.

1 On October 10, 2023, the Court heard argument on all pending motions and
2 made oral findings. For the reasons stated on the record, the Court denied
3 Defendant's Motion to Dismiss, ECF No. 139, denied Defendant's Motion to
4 Suppress, ECF No. 140, and denied Defendant's Motion to Reconsider Order
5 Denying Motion to Sever, ECF No. 141.

6 As to Defendant's Third Motion in Limine, ECF No. 114, the parties reached
7 stipulations as to certain exhibits at issue. As to the remaining objections, the
8 Court ruled as follows:

9 a. United States' Trial Exhibit 19 (photograph of Defendant standing):

10 Denied.

11 b. United States' Trial Exhibits 30, 31, and 39 (photographs of cell
12 phone and packages of candy), 43 and 44 (photographs of handwritten
13 note), 49 (Defendant's blue tongue): Held in Abeyance pending
14 supplemental briefing.

15 c. United States' Exhibits 40-42 (photographs of sweatshirt): Granted,
16 pursuant to the United States' October 6, 2023, stipulation.

17 d. Testimony regarding the black cell phone: Granted, pursuant to the
18 United States' October 6, 2023, stipulation.

19 e. United States' Exhibits 60, 71-74, and 76 (photographs of items in
20 truck bed of Avalanche): Granted.

f. United States' Exhibits 77-78 (photographs of knife): Granted, pursuant to the United States' October 6, 2023, stipulation.

g. United States' Exhibit 81 (Department of Licensing letter): Denied as to redacted exhibit.

h. United States' Exhibits 82-83 (photographs of sweatshirts): Granted, pursuant to the United States' October 6, 2023, stipulation.

i. United States' Exhibits 86, 90, 91 (physical exhibits: ammunition, helmet, armor plate): Granted.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Dismiss, **ECF No. 139**, is **DENIED**.

2. Defendant's Motion to Suppress, **ECF No. 140**, is **DENIED**.

3. Defendant's Motion for Reconsideration of Order Denying Motion to Sever, **ECF No. 141**, is **DENIED**.

4. Defendant's Third Motion in Limine, **ECF No. 114**, is **GRANTED IN PART, DENIED IN PART AND HELD IN ABEYANCE IN PART**, consistent with the findings above.

5. **By no later than October 13, 2023**, the United States shall submit supplemental briefing on the admissibility of United States' Trial Exhibits 30, 31, 39, 43, 44, and 49.

6. Defendant shall respond to the United States' supplemental briefing **by no**

1 **later than October 17, 2023.**

2 7. The deadline for pretrial filings is **EXTENDED** to **October 16, 2023.**

3 8. Per the parties' request, a **change of plea hearing** is **SET** for **October 12,**
4 **2023, at 3:45 p.m., in Richland, Washington.**

5 9. A pretrial conference is **SET** for **October 19, 2023, at 3:00 p.m., in**
6 **Richland, Washington.**

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
8 and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
9 Service.

10 **DATED** October 11, 2023.

11
12 s/Mary K. Dimke
MARY K. DIMKE
13 UNITED STATES DISTRICT JUDGE
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